

Appl. No. 10/607,953

Reply to Office action of July 12, 2004

REMARKS

In the Office Action mailed on July 12, 2004 by the United States Patent and Trademark Office, the Examiner rejected claims 1-19. Claims 1, 4, and 13 have been amended to correct typographical errors. Claims 20 and 21 have been added. After entry of this response, claims 1-21 are now pending in the above-identified patent application. Reconsideration is respectfully requested in light of the above amendments and the following remarks. The following remarks are believed to be fully responsive to the Office Action mailed July 12, 2004 and render all pending claims at issue patentably distinct over the cited references.

I. CLAIM REJECTION UNDER 35 USC § 112

Claim 4 was rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that "first means for configured...energy" is not clear and that the term "at least" is vague and indefinite.

The phrase "first means for configured...energy" was merely a typographical error and has now been amended to recite "first means for producing energy." With respect to the term "at least", although the Applicants disagree with the Examiner's rejection, in order to clarify the invention for the Examiner and to expedite the prosecution of the application, claim 4 has been amended to recite "a first and a second drive wheels". Accordingly, Applicants respectfully request withdrawal of this rejection.

II. CLAIM REJECTION UNDER 35 USC § 103

Claims 1-19 were rejected under 35 U.S.C. 103 as allegedly being unpatentable over Prior art of FIG. 1 in the application ("Prior Art") in view of U.S. Patent No. 5,647,432 issued to Ichikawa et al. on July 15, 1997 (hereinafter referred to as "Ichikawa") and in view of U.S. Patent Appn. No. 2001/0035049 A1 to Balch et al. (hereinafter referred to as "Balch"). The Applicants respectfully traverse this rejection.

The three basic criteria necessary to establish a prima facie case of obviousness are: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference or references must teach or suggest all the claim limitations. However, it is respectfully submitted that none of the Prior Art, Ichikawa, or Balch, alone or in combination disclose all the claim limitations of at least independent claims 1, 4, and 13. For example, Prior Art, Ichikawa, and Balch fail to disclose, teach or suggest "a second rotor capable of independent rotation with respect to said first rotor," as recited in claim 1, or "first and second rotors capable of independent relative rotation," as recited in claims 4 and 13. Accordingly, as Prior Art, Ichikawa, and Balch fail to disclose, either explicitly or inherently, at least the above-noted element of claims 1, 4, and 13 and the Examiner has failed to provide such an explicit or inherent disclosure of this element, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

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III. NEW CLAIMS 20 AND 21

Claims 20 and 21 have been added and each recite elements that are not disclosed in the prior art. Therefore, the Applicants respectfully submit that these claims are in condition for allowance.

IV. CONCLUSION

In view of Applicants' remarks, it is respectfully submitted that Examiner's rejections under 35 USC § 112 and 103, have been overcome. Accordingly, the Applicants respectfully submit that the application is in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned at the telephone number associated with customer number 29,906 as set forth below.

Sep. 24. 2004. 3:11PM . INGRASSIA FISHER & LORENZ PC

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If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated: 9/24, 2004

By: 

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